

REMARKS

This case has been carefully reviewed in light of Office Action dated December 15, 2005. Applicant also notes the Notice of Non-Compliant Amendment dated 7 June 2006. It appears that the typeset did not transmit properly via the fax method. Applicant has enlarged the typeset in the present response and is submitting via efs.

Claims 1-7, and 9-21 were rejected under 35 U.S.C. §112 first paragraph, and Claims 8 and 22 were objected to. Claims 1-22 remain pending in the present application. Applicant respectfully requests reconsideration of the application by the Examiner in light of the following remarks.

Applicant respectfully traverses the rejection of claims 1-7 and 9-21 under 35 USC §112, first paragraph. The Office Action asserts that the specification, while being enabling for the sensors comprising ultrasonic sensors, does not provide reasonable enablement for the sensors comprising other sensors, which the Examiner listed as including microwave sensors, electromagnetic sensors or optical sensors.

Applicant respectfully submits that the claims recite (and the specification enables) any sensor configured to generate signals representative of a condition of a region on the three dimensional volume. The sensor is to be coupled to a rolling object and is to be disposed on a non-contact outer region of the rolling object and at a pre-determined distance from a center of the rolling object. Although, in paragraph 11 of the specification, Applicant recites that in one embodiment the sensors used comprise ultrasound sensors, any sensor that can generate signals representative of a three-dimensional volume can be used.

MPEP §2164.01(b) recites that as long as the specification discloses at least one method for making and using the claimed invention that bears a reasonable correlation to the entire scope of the claim, then the enablement requirement of 35 USC §112 is satisfied (*See, in Re Fischer*, 427 F.2d 833, 839, 166 USPQ 18, 24 (CCPA 1970)). Further, MPEP §2164.01(b) recites that failure to disclose other methods by which the claimed invention may be made does not render a claim invalid under 35 §USC 112 (*See, in Re Spectra-Physics, Inc. v. Coherent, Inc.*, 827 F.2d 1524, 1533, 3 USPQ2d 1737, 1743 (Fed. Cir.), cert. denied, 484 U.S. 954 (1987)).

Applicant respectfully submits that the specification enables an ultrasonic sensor and that the sensors of the type recited in Applicant's claims are not in an "unpredictable art" in the same way that a chemical invention might be categorized. If a sensor is configured to generate the signal, there is no reason to believe that it cannot be attached and used in the same manner as the described ultrasonic sensor. Therefore, Applicant respectfully submits that the description of the ultrasonic sensor bears a reasonable correlation to the entire scope of claims 1, 11 and 16. The mere fact that other embodiments by which the claimed invention may be made are not described in similar detail in the specification does not render claims 1, 16 and 22 invalid under 35 USC §112.

Accordingly, withdrawal of the 35 USC §112 rejections is respectfully requested, and Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should the Examiner believe that anything further is needed to place the application in better condition for allowance, the Examiner is requested to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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